

# **Frequently Asked Questions for the NPDES Multi-Sector General Permit in Alaska**

March 19, 2009

## ***Which industrial facilities are covered by the U.S. Environmental Protection Agency (EPA) stormwater Multi-Sector General Permit (MSGP-2008)?***

Operators of industrial facilities requiring an NPDES Stormwater Permit are eligible to obtain coverage under the MSGP-2008 if their activities are included within one of 29 industrial sectors. See Appendix D of the MSGP-2008 for a listing of facilities and activities that are covered.

## ***How does an industrial facility operator determine whether they need to obtain an NPDES Stormwater Permit?***

Step 1: Determine whether the facility or site discharges to a municipal separate storm sewer system (MS4) or to waters of the United States. If it discharges to one or both, proceed to Step 2, otherwise no permit is needed.

Step 2: Determine if the facility's industrial activities are listed among the eleven Categories of Industrial Activities, provided in the federal regulations at 40 CFR 122.26(b)(14) or if the facility's SIC code falls within one of the sector/subsectors identified in Appendix D of the MSGP-2008. If its activities are listed, proceed to Step 3, otherwise no permit is needed.

Step 3: Determine if the listed facility or site may qualify for the "no exposure" exclusion under the federal regulations at 40 CFR 122.26(g).

## ***How does a permitted stormwater facility operator terminate coverage?***

A Notice of Termination (NOT) form for Industrial Activity must be submitted to EPA's NOI Processing Center (address identified on the NOT form) in order to terminate coverage. Permittees may submit an NOT when their facility no

longer has any stormwater discharges associated with industrial activity as defined at 40 CFR 122.26(b)(14), or when they are no longer the operator of the facility.

***When did the MSGP-2008 go into effect for Alaska?***

The MSGP-2008 went into effect in Alaska February 26, 2008. The Federal Register Notice of this action is posted online at <http://edocket.access.gpo.gov/2009/E9-4152.htm> (74 Fed. Reg. 8789 (Feb 26, 2009))

***Where can I find a copy of the MSGP-2008 for Alaska?***

Facilities in Alaska need to look at three websites to read the permit and additional conditions for facilities in Alaska. First, read the permit Parts 1 through 8 of the MSGP-2008 and Appendices A, B, & D-K <http://www.epa.gov/npdes/stormwater/msgp>. Second, read Part 9.10 of the MSGP-2008 that is updated to include additional permit conditions for Alaska [http://www.epa.gov/npdes/pubs/msgp2008\\_part9.pdf](http://www.epa.gov/npdes/pubs/msgp2008_part9.pdf). Third, read Appendix C which is updated to reflect permit availability in Alaska [http://epa.gov/npdes/pubs/msgp2008\\_appendixc.pdf](http://epa.gov/npdes/pubs/msgp2008_appendixc.pdf).

***When is the deadline for submitting my Notice of Intent (NOI)?***

The deadline for existing dischargers, new dischargers, new owner/operator of existing discharger, or other eligible dischargers in Alaska to submit their NOI under the MSGP-2008 is provided in detail in Table 9.10.1. See part 9.10 at [http://www.epa.gov/npdes/pubs/msgp2008\\_part9.pdf](http://www.epa.gov/npdes/pubs/msgp2008_part9.pdf).

***When does the Alaska Department of Environmental Conservation (ADEC) take over the stormwater permitting from the EPA?***

ADEC is in a phased transition for assuming primacy for the National Pollutant Discharge Elimination System (NPDES) permitting from EPA. The MSGP-2008 was issued by EPA and EPA will continue to administer the permit until October 30, 2009. After that date ADEC will be the lead agency in administering and enforcing the permit. ADEC will adopt the EPA permit as-is and does not plan to make changes to the permit until ADEC reissues the MSGP in 2013

### ***Who do I submit my NOI to?***

From now until October 31, 2009 submit your NOI to EPA. There are two ways to submit your NOI. First, EPA encourages you to complete the NOI form electronically via the internet, see [www.epa.gov/npdes/enoi](http://www.epa.gov/npdes/enoi). Second, a paper copy of the NOI can be submitted to the address on the NOI form in Appendix G of the permit.

At the same time an NOI is submitted to EPA a copy must also be submitted to ADEC. See Part 9.10.1.1 of the MSGP-2008 for the address.

### ***When ADEC takes over the MSGP-2008 do I need to re-apply and submit a new NOI with ADEC?***

No. You need to submit your NOI once with EPA and do not need to re-submit with ADEC when the transfer occurs.

### ***When do I need to complete my Stormwater Pollution Prevention Plan (SWPPP)?***

You must prepare a SWPPP for your facility before submitting your NOI. There are State of Alaska requirements for submitting your SWPPP to ADEC for review

- **For existing dischargers** – Operators who submitted a SWPPP to ADEC under the previous MSGP must submit copies of any modifications of their SWPPP to meet the requirements of the MSGP-2008. Existing dischargers do not have to pay a plan review fee. (See Part 9.10.1.4 of the MSGP-2008)
- **For new dischargers** – Operators who have not previously obtained coverage under the MSGP must submit a copy of the SWPPP for the facility, developed by a qualified person, to ADEC for Review at the time of submittal of the NOI. The SWPPP shall be accompanied by the state-required plan review fee. (See Part 9.10.1.3 of the MSGP-2008)

### ***Do I need to have a registered professional engineer prepare my SWPPP?***

No. Under the MSGP-2000 there was the requirement for a professional engineer to complete the SWPPP. Under the MSGP-2008 the requirement is for a “qualified person” to develop the SWPPP. A “qualified person” is a person who possesses the knowledge and skills to assess conditions and activities that

could impact stormwater quality at your facility, and who can also evaluate the effectiveness of control measures.

***The following are specific descriptions for industrial facilities.***

For the most part, the definition of stormwater discharge associated with industrial activity is self-explanatory. However, there are certain categories of industries described by the Standard Industrial Classification (SIC) codes cited in the regulation that need additional clarification to determine if they are required to submit a stormwater permit application.

Transportation Facilities:

Section 122.26(b)(14)(viii) identifies certain types of transportation facilities classified under Standard Industrial Classification (SIC) 40-45 and 5171 (except 4221-4225) as having to submit stormwater discharge applications. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations are required to be permitted. Transportation facilities which are not engaged in such activities are not required to apply for stormwater discharge permits under 122.26. A facility must be described by an SIC code identification in the regulations to be addressed by this provision.

SIC code classification is based upon the activity in which an establishment is primarily engaged. For example, facilities primarily engaged in the maintenance of vehicles used for highway construction and maintenance is not required to apply for stormwater discharge permits. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 16. SIC code 16 includes facilities that are primarily engaged in the construction or maintenance of highways and streets, bridges and sewers. SIC code 16 facilities are not classified as industrial activities under the stormwater discharge application rule.

SIC code 4151 addresses facilities primarily engaged in operating buses to transport pupils to and from school. However, SIC code 4151 does not address school bus facilities operated by educational institutions, which should be classified under SIC code 8211. Therefore, school bus

facilities operated by an educational institution are not addressed by the regulatory definition of stormwater discharge associated with industrial activity, whereas school bus facilities operated by contractors that are primarily engaged in operating the buses are addressed by the definition.

Refuse transportation facilities with vehicle maintenance shops (including transfer stations) that provide refuse hauling services in conjunction with owning or operating the disposal site, are classified under Standard Industrial Classification (SIC) code 4953. Facilities classified under SIC code 4953 are not required to apply for a stormwater discharge permit. However, facilities under SIC code 421, which include refuse transportation facilities that provide refuse hauling services only do not own or operate the disposal facility itself, are required to submit a stormwater discharge permit application under 122.26(b)(14)(viii).

Facilities primarily engaged in police or fire fighting vehicle maintenance, mechanical repairs, equipment cleaning, fueling and lubrication are not required to file stormwater discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 92. SIC code 92 includes government establishments primarily engaged in justice, public order and safety. These types of activities are not required to submit permit applications under 122.26(c).

Facilities primarily engaged in park and park service vehicle maintenance, mechanical repairs, equipment cleaning, fueling and lubrication are not required to file stormwater discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 7999. SIC code 7999 includes establishments primarily engaged in providing recreational services. These types of activities are not required to submit permit applications under 122.26(c).

Section 122.26(b)(14)(viii) requires vehicle maintenance activities under SIC code 42 to submit permit applications for stormwater discharges. SIC code 42 includes facilities primarily engaged in providing trucking services. Trucking services described under SIC code 42 do not include facilities that are primarily engaged in activities other than providing trucking services, but which incidentally maintain their own vehicles on or off-site. Such facilities would be classified by the SIC code that

describes the primary activity in which they are engaged, which would include the incidental maintenance of a support fleet of trucks.

Facilities primarily engaged in performing services which may incidentally use airplanes (e.g. crop dusting and aerial photography) are classified according to the services performed.

Facilities primarily engaged in performing vehicle maintenance, and equipment cleaning in support of providing electric, gas and sanitary services are not required to file stormwater discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 49. Facilities classified under SIC code 49 are not classified as industrial activities and are not required to submit permit applications under 122.26(c).

Facilities primarily engaged in performing vehicle maintenance, and equipment cleaning, and the storing, mixing and transferring of pesticides in support of mosquito control programs are not required to file stormwater discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 4959. Facilities classified under SIC code 4959 are not classified as industrial activities and are not required to submit permit applications under 122.26(c).

Facilities primarily engaged in short-term rental of passenger cars without drivers are not required to file stormwater discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 7514. Facilities classified under SIC code 7514 are not classified as industrial activities and are not required to submit permit applications under 122.26(c).

### Landfills

Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under 40 CFR 122.26(b)(14)) including those that are subject to regulation under subtitle D of the Resource Conservation and Recovery Act (RCRA) are addressed by the regulatory definition of

“stormwater discharge associated with industrial activity” at 40 CFR 122.26(b)(14)(v). This includes inactive and closed facilities that meet the specified criteria and that have stormwater discharges. Permit application requirements are described at 40 CFR 122.26(c) and are identical for active, inactive and closed sites with stormwater discharge associated with industrial activity.

#### Change in Operator/Owner

The current operator of a facility with stormwater discharge associated with industrial activity is responsible for submitting the discharge permit application. When a facility is owned by one person but operated by another person, it is the operator’s duty to obtain a permit. In the case of a landfill that had been owned or operated by a municipality in the past, but is now operated by a private entity, the current operator is responsible for submitted a permit application.

#### Exposure

Facilities classified under the stormwater regulation at section 122.26(b)(14)(xi) are not required to submit stormwater discharge permit applications unless material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to stormwater. However, once exposure occurs, the application requirements are triggered. This includes exposure that has occurred in the past, as well as ongoing exposure. Accidental spills, minor leaks, loss during loading and unloading and other types of intermittent sources of exposure should be considered when determining whether exposure to stormwater has occurred.

#### Wholesale/Retail

Facilities primarily engaged in the wholesale or retail distribution of cement are not required to file stormwater discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 503. Facilities classified under SIC code 5032 are not classified as industrial activities and are not required to submit permit applications under 122.26(c). Facilities

involved in manufacturing cement are classified in major SIC code group 32 and are covered under the stormwater program.

Facilities primarily engaged in the wholesale or retail distribution of fertilizer or pesticides are not required to file stormwater discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 503. Facilities classified under SIC code 5032 are not classified as industrial activities and are not required to submit permit applications under 122.26(c).

Facilities primarily engaged in the wholesale or retail distribution of fertilizer or pesticides and/or the manufacturer blending or mixing of such are classified under 267, Agricultural Chemicals, and are required to submit stormwater permit applications.

#### Miscellaneous

Isolated salt storage facilities are not classified as industrial activity under section 122.26(b)(14) of the stormwater discharge application rule. Therefore, such facilities should not submit stormwater discharge permit applications according to 122.26(c).

### ***For more information contact***

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